

COTTONWOOD HEIGHTS

RESOLUTION No. 2021-16

A RESOLUTION ACCEPTING A REQUEST FOR INDEMNIFICATION

WHEREAS, E. Robert Russo ("*Chief Russo*"), individually and in his capacity as the chief of police of the city of Cottonwood Heights (the "*City*"), has been served as a counterclaim defendant in a "counterclaim" styled *Utah Local Governments Trust, Counterclaimant vs. Natalie Bruce; Ernest Robert Russo, Jr. and Does 1-5, Counterclaim Defendants* filed in an action entitled "*Natalie C. Bruce vs. Utah Local Governments Trust*" that is pending as case no. 200907157 in the Third District Court of Salt Lake County, Utah (including any successor third-party complaint by Utah Local Governments Trust against Chief Russo or any removal or appeal of such case to another court, called herein the "*Counterclaim*"); and

WHEREAS, UTAH CODE ANN. §63G-7-902, a portion of the Governmental Immunity Act of Utah (the "*Act*"), provides that a governmental entity shall defend any action brought against its employees arising from an act or omission occurring (a) during the performance of the employee's duties; (b) within the scope of the employee's employment; or (c) under color of authority; and

WHEREAS, Chief Russo has filed a request for indemnification (the "*Request*") with the City concerning the Counterclaim pursuant to UTAH CODE ANN. §63G-7-902(2); and

WHEREAS, the Council met in regular session on 20 April 2021 to consider, among other things, granting the Request; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to grant the Request and, by so doing, to agree to defend and indemnify Chief Russo for any judgment, compromise or settlement of claim based on the acts and conduct specified in the Counterclaim, but only to the extent that such acts and conduct occurred (a) during the performance of Chief Russo's duties; (b) within the scope of Chief Russo's employment; or (c) under color of authority, with a reservation of rights by the City as provided in UTAH CODE ANN. §63G-7-902(6);

NOW, THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the City hereby grants the Request and hereby agrees to defend and indemnify Chief Russo for any judgment, compromise or settlement of claim based on the acts or conduct specified in the Counterclaim, but only to the extent that such acts and conduct occurred (a) during the performance of Chief Russo's duties; (b) within the scope of Chief Russo's employment; or (c) under color of authority, with a reservation of rights by the City as provided in UTAH CODE ANN. §63G-7-902(6).

This Resolution, assigned no. 2021-16, shall take effect immediately upon passage.

PASSED AND APPROVED effective 20 April 2021.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By:

Paula Melgar, Recorder



By:

Michael J. Peterson, Mayor

VOTING:

Michael J. Peterson

Yea ☒ Nay ☐

Douglas Peterson

Yea ☒ Nay ☐

J. Scott Bracken

Yea ☒ Nay ☐

Tali C. Bruce

Yea ☒ Nay ☐ - OUT OF TOWN

Christine Watson Mikell

Yea ☒ Nay ☐ - EXCUSED

DEPOSITED in the office of the City Recorder this 20th day of April 2021.

RECORDED this 21 day of April 2021.